

REMARKS

Claims 2-4, 6-7, and 22-24 remain pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 2-4, 6 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fukasawa (U.S. Pat. No. 6,396,082). This rejection is respectfully traversed.

Fukasawa teaches a layer 37 between a substrate 22 and an optical element 29 (see Fig. 3). Applicant respectfully submits that the layer 37 cannot reasonably be interpreted as a “spacer” giving that term its ordinary meaning in the art. Notwithstanding, to expedite prosecution of the present application, Applicant elects to amend claims 2 and 6 to call for a spacer “in” the under-fill material between the substrate and the optical element. Fukasawa fails to disclose such a spacer. It should also be appreciated that even Fukasawa’s layer 37 is not “in” an under-fill material.

Claim 3 is also amended. Claim 3 calls for a spacer regulating the space between the light transmissive member 30 and the optical element 10. Fukasawa’s layer 37 is not a spacer. Rather, layer 37 is a transparent adhesive which would flow outwardly under pressure. The layer 37 would be unable to regulate the space between the substrate 22 and the optical element 29. As such, Fukasawa cannot anticipate claim 3.

Claims 4 and 22 should be allowable as being dependent on claims 2 and 3 as amended above.

NEW CLAIM

Claim 25 has been added. Favorable consideration of this new claims is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges with thanks the allowance of claims 7, 23 and 24.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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